

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Univar USA Inc. (formerly known as Vopak USA Inc.) Attorney Docket No. UNVL225325

Serial No.: 76/159,040

Trademark Attorney: J.S. DeFord

Filed: November 3, 2000

Law Office: 115

Mark: KONTROL

International Class: 5

PETITION TO REINSTATE AND MOTION TO RESET SCHEDULE

Seattle, Washington 98101

January 26, 2004

## TO THE COMMISSIONER FOR TRADEMARKS:

Applicant respectfully requests reinstatement of the ex parte appeal in the above-captioned application. Upon reviewing the Adversary Proceeding On-line Database, Applicant's attorney noticed that the Board dismissed applicant's ex parte appeal on December 11, 2003, due to failure to file an appeal brief.

Applicant submits that it has never received a correspondence from the Board setting a deadline to file an appeal brief, nor has it received a correspondence notifying Applicant of the dismissal of the appeal.

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01-29-2004

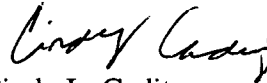
U.S. Patent & TMO/TM Mail Rcpt Dt. #72

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

Based on the foregoing, Applicant is not at fault for non-filing of the appeal brief, and thus, respectfully requests that the ex parte appeal be reinstated, and requests that the date by which an appeal brief must be filed be reset.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



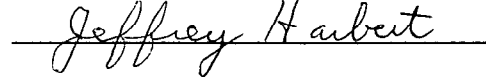
Cindy L. Caditz

Direct Dial No. 206.695.1715

I hereby certify that this PETITION TO REINSTATE AND MOTION TO RESET SCHEDULE is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on the below date.

Date: January 27, 2004

CLC:MPA



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**NO FEE**  
**Trademark Law Office: 115**  
**Serial No.: 76/159,040**  
**Mark: KONTROL**

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DECLARATION

Seattle, Washington 98101

January 26, 2004

TO THE COMMISSIONER FOR TRADEMARKS:

I, Margaret Au, do hereby solemnly declare that:

1. I am over the age of 18, employed by the law firm of Christensen O'Connor Johnson Kindness<sup>PLLC</sup> as a paralegal, have personal knowledge of the facts set forth herein and am competent to testify regarding the matter set forth herein.

2. The last correspondence received from the Trademark Trial and Appeal Board was an Office Action dated August 25, 2003, by which the Examiner continued his Final Refusal to register and denied the Request for Reconsideration. We have not received further correspondence from the Trademark Trial and Appeal Board setting a deadline for an appeal brief.

I declare under penalty of perjury that the foregoing is true and correct.

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Signed in Seattle, Washington this 26<sup>th</sup> day of January, 2004.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



Cindy L. Caditz

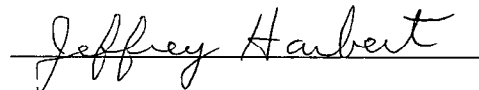
Registration No.

Direct Dial No. 206.695.1715

I hereby certify that this Declaration made in support of U.S. Trademark Application Serial No. 76/159,040 is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on the below date.

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